

Dealing with anti-social behaviour and COVID-19

(18 January)



Chartered
Institute of
Housing

During this difficult time, dealing with anti-social behaviour (ASB), including that related to the current COVID-19 crisis, and protecting your local community will be crucial. It is likely that you will start to receive an increase in ASB complaints due to people not complying with the Government's guidance to stay home; boredom; or ongoing neighbour disputes flaring up due to intolerance and more people being at home than usual. However, in common with many other housing management services, action to tackle ASB is delivered will need to change.

Landlords should be aware that the extent and nature of ASB may change, for example:

- Increased targeting of individuals and households mistakenly associated with the start or spread of the virus, including Chinese people, or those who have recently arrived from abroad.
- Increased noise nuisance, as more people are confined to their homes for longer
- Ongoing or new ASB from people assuming that no action will be taken, due to the demands on emergency services
- Alcohol or substance misuse increasing where treatment/ support services are reduced
- Cuckooing and targeting of the most vulnerable people.

Practical things to consider

Under social distancing guidelines, ASB practitioners won't be able to visit victims or perpetrators at home. Neither will they be able to arrange office interviews. However, they will still need to provide support to tenants experiencing ASB and to deal with serious complaints, using technology to maintain contact and gather evidence.

Things to consider in delivering an ASB service:

- Be clear about the changes being made to your service and why these are happening

For example, compliance with government requirements; concentrating resources on those most vulnerable and at risk of harm

- Ensure that you provide clear messages to your residents on your website giving confidence to victims that you are continuing to tackle ASB and for perpetrators that you will not tolerate any breaches.

E.g. Sanctuary housing has updated its [website](#) to reassure tenants and let them know how services will be adapted to reflect current restrictions.

See also similar advice from Cobalt housing on its [website](#)

- How you can support tenants to raise concerns with neighbours and agree resolutions.

With more people confined to their homes, they may be unaware of how their behaviour impacts on neighbours (such as playing loud music) and being able to discuss this sensitively may

Guidance for:

- England
- Wales

COVID-19
GOOD PRACTICE

#CV19HOUSING

be all that is required to change the activity, particularly where there hasn't been a problem before this. (for example: [Oldham Council](#))

This is obviously more difficult with the requirement for social distancing, but you may be able to support people through increased use of telephone calls, or technology such as Zoom to raise issues with tenants.

- How you can adapt/ support resolution services

Explore the possibility of continuing services that help to resolve and address ASB, including mediation services that could be conducted through telephone or video conferencing.

- Provide links and contact details of help available from support groups and agencies

Including both national charities and helplines, such as [Victim Support](#), Citizens Advice, and local support groups and charities that not only help with ASB but wider issues for wellbeing, such as mental health, debt and financial advice etc.

Developing an action plan to progress existing and new complaints of serious ASB:

- Consider how to assess and prioritise new complaints or additional ASB to ensure that you focus on the most serious behaviour and those tenants most at risk of harm. For example; [Thirteen group](#) have established a triage team who take the initial ASB calls. Teams are carrying out assessments to ensure victims are receiving the right support. They have introduced a new app, Reportable, and a noise app which victims can use to report cases.
- Establish a list of all vulnerable tenants experiencing ASB, to support them with regular contact
- Review and refresh your risk assessments regularly throughout the period
- Provide general safety advice on your website and tailored advice in telephone discussions with vulnerable tenants
- Reassure your tenants that you are dealing with the perpetrator even though this may take longer than usual due to the current situation

- The usual methods of contact and evidence gathering will not be available during this time (such as visiting residents, requesting signatures in person, mediation, witnessing ASB first hand). Consider alternative mechanisms, such as Whatsapp, Zoom, FaceTime and other online or mobile platforms.
- Use noise equipment or apps such as [thenoiseapp](#) to record and keep a log of incidents for evidence. This avoids the need for any monitoring equipment to be installed in a property.
- Refer tenants to inhouse support services if they require more support and they agree to this option
- If there is a serious risk of harm, a safeguarding referral should be made and where necessary the police should be involved

What action can landlords take?

Under the new (third) national lockdown, legislation is in place to ensure that bailiffs do not serve eviction notices until the end of February 2021 in England and end March 2021 in Wales. This will be kept under review. In serious circumstances, notices may be progressed, with ASB and domestic abuse being listed as exemptions - see the guidance from government for social landlords [here](#).

See CIH's updated fact sheet #1 on possession proceedings [here](#).

There is also guidance for [social housing tenants](#).

However, landlords in England and Wales can still make use of the powers and tools available under the Anti-social behaviour, Crime and Policing Act 2014. There have already been a few examples of how injunctions are being used creatively to address behaviour that is anti-social and non-compliant with government requirements, potentially putting people at risk.

Tools you can use under the Anti-social behaviour, Crime and Policing Act 2014 (England and Wales)

Possession proceedings can be issued and it may be appropriate to do so, even though the process will take longer due to the changes in the Coronavirus Act; however, it can assist in showing the perpetrator that ASB will not be tolerated. Other powers that social landlords can apply include:

- Injunctions, with or without notice
- Community protection warnings and notices (where designated by the local authority)

Working with your local authority will be crucial, as additional powers they have may also provide a remedy, such as:

- Public space protection orders
- Closure orders
- Dispersal powers.

(For more detail on the tools and powers available, CIH members can access the ASB chapter of the [Knowledge Hub](#))

Obtaining injunctions

Landlords are exploring how injunctions can be used where tenants fail to comply with government requirements restricting activity, particularly where that may increase the risk of spreading COVID-19.

For example:

- a Part one interim injunction has been obtained against two older people, both with long standing ASB, who refused to comply with restrictions on a sheltered housing scheme, even after police warnings, thereby increasing the risk for other residents likely to be at greater risk due to age and health issues (more information [here](#)).

- Mossclare St Vincent obtained an injunction against a tenant who held parties at the property, which requires the tenants not to allow anyone except their children to visit, until government restrictions are lifted (reported in [Inside Housing](#)).
- Citizen obtained two injunctions for separate incidences of serious ASB in a tower block. They also liaised with the local neighbourhood policy team to agree that they would action the powers of arrest if necessary, due to the nature of the ASB (see article in [Inside Housing](#))

Landlords will need to consider the mental capacity of the alleged perpetrators to understand the requirements and the consequences of their action.

As service of the order for an injunction personally is not possible, ensure that you demonstrate efforts to make the defendant aware of the order, including use of multiple channels, for example, delivery to property or electronic means, including by social media.

Some courts are closed, so landlords will need to check the [status](#) of local courts. Civil matters are largely being heard remotely by telephone and video conferencing; the Courts and Tribunal Judiciary have written a [new practice direction](#), outlining how this works.

ASB help have put together a list of interventions that practitioners can use and adapt in cases to manage cases and support victims [ASB-Practitioner-Interventions](#)

Working with partners

These measures are helpful but still likely to cause delays, so it is advisable to work through community safety partnerships to establish with local police and councils how they will respond to complaints and concerns raised about ASB, and how social landlords, as key local partners can support this approach particularly where it impacts their tenants and the wider local community.

Local authorities and the police can take action against ASB through public spaces protection orders and dispersal powers and closure powers (the latter where ASB in premises is having a detrimental impact on the local community)

School closures may give rise to additional concerns about the behaviour of children or young adults, particularly where they are continuing to meet in groups.

Landlords that have open and communal spaces within their estates should ensure that where possible there is clear signage reinforcing the government's requirements to stay at home, and when exercising to do so only with members of your own household once a day.

They should also ensure that local police are aware of these spaces and any reports of ASB taking place there.

Partners should aim to agree who is best placed to lead and how to gather required evidence and information to support appropriate action.

Surrey police website has useful frequently asked questions on its [website](#) which references their tools and powers under the ASB, Crime and Policing Act.

New powers under the Coronavirus Act 2020

Some temporary new powers have been introduced under the [Coronavirus Act](#). These are intended to enforce compliance with government guidance to control and reduce the spread of the virus.

These powers can be used by the police, public health officials and in some cases immigration officers. These officers can:

- take action to ensure that people stay at home and avoid non-essential travel
- instruct people to go home, disperse or leave an area
- require parents to take necessary steps to stop children breaking the requirements
- issue fixed penalty notices of £200, increasing for second and following repeat breaches.

Government can restrict/prohibit events and gatherings, enabling police and public health officials to stop people going into specified premises (schedule 22 part 2), and closing premises if, in the public health situation, it is deemed necessary.

The National Police Chiefs Council and College of Policing have produced [guidance](#) for their members on the legislation and the actions they can take.

There is also guidance on how to [protect against fraud](#) with the increase of scams related to coronavirus, access to vaccines etc.

More information on enforcing the restrictions and requirements implemented in England and Wales is available in this [briefing](#).